

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL B**

**FILED**

IN RE:       STEPHEN FISHER, Respondent  
              Arkansas Bar ID# 91073  
              CPC Docket No. 2008-048

**AUG 15 2008**

**LESLIE W. STEEN  
CLERK**

**CONSENT FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Yolanda Amaya in an Affidavit dated June 10, 2008. The information related to the representation of Ms. Amaya by Respondent beginning in May 2005.

On June 28, 2008, Respondent was served with a formal complaint, supported by affidavits from Ms. Amaya and Denise Parks, Deputy Clerk. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel demonstrated that during 2005, Yolanda Amaya hired Stephen E. Fisher, an attorney then practicing primarily in Little Rock, Arkansas, to represent her in a divorce proceeding. Mr. Fisher was substituted in as her counsel on May 23, 2005. A Decree of Divorce was entered on February 2, 2006.

After the Decree was entered in February 2006, Ms. Amaya continued to have problems with her ex-husband. She made Mr. Fisher aware of these problems and he agreed to represent her in proceedings related to these issues. On May 22, 2006, Mr. Fisher sent Ms. Amaya a letter explaining his conversation with opposing counsel and what her remedies might be with regard to her ex-husband's refusal to abide by the Court's Order. Because of the continuing problems,

she contacted Mr. Fisher about pursuing contempt against my ex-husband.

In March 2007, Mr. Fisher sent a proposed Motion for Contempt to review and sign. Ms. Amaya sent the signed Motion back to Mr. Fisher and thought the process would move forward at that point. In April 2007, she received a letter from Mr. Fisher wherein he advised he had been out sick. He said that he tried to call to give an update but was unable to reach Ms. Amaya.

On June 21, 2007, Mr. Fisher filed the Motion for Contempt Citation that Ms. Amaya had signed in March. Four (4) months later, Mr. Fisher filed a Motion for Extension of Time to serve Ms. Amaya's ex-husband. He failed to obtain an Order allowing for an extension to serve him. Mr. Fisher did nothing further on the matter until he filed a subsequent Motion for Contempt Citation on December 31, 2007. Mr. Fisher sent the new Motion in a letter dated November 20, 2007. Ms. Amaya returned it within two (2) weeks of receiving it. Mr. Fisher was also provided an additional \$300 to represent Ms. Amaya at that time. It was a month later before Mr. Fisher filed the Motion. On February 6, 2008, the presiding Judge entered an Order Denying the Motion for Extension and Dismissing the Motion for Contempt Citation filed June 21, 2007.

The Docket Sheet demonstrated that nothing further was filed by Mr. Fisher with regard to the Motion. He did not serve Ms. Amaya's ex-husband or taken any further action in the matter. Ms. Amaya learned of the activity in the matter which has occurred since November 20, 2007, after she filed the grievance with the Office of Professional Conduct. Mr. Fisher did not advise her. Mr. Fisher did not provide information on the status of the legal matter nor had he responded to telephone calls Ms. Amaya made to him since November 2007. In addition, she had not received any correspondence from Ms. Fisher since November 2007.

Upon consideration of the formal complaint and attached exhibit materials, the consent

proposal, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Fisher's conduct violated Rule 1.1 when he was not thorough enough in his representation of Yolanda Amaya to be certain that he obtained a timely Order extending the time to serve her ex-husband with the Motion for Contempt he filed in June 2007 and when he was not thorough enough to be certain that he followed through with pursuit of the Motion for Contempt he filed on Ms. Amaya's behalf in December 2007. Rule 1.1 requires that a lawyer provide competent representation to a client, including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. That Mr. Fisher's conduct violated Rule 1.3 when he did not file the Motion for Contempt which Ms. Amaya signed and returned to him in March 2007, until June 2007, approximately three (3) months later and then he did not file the Motion for Contempt which Ms. Amaya returned to him in November 2007, until December 31, 2007. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Mr. Fisher's conduct violated Rule 1.4(a)(3) when he failed to keep Ms. Amaya informed about the status of the legal matter to which Mr. Fisher was entrusted by Ms. Amaya. Rule 1.4(a)(3) requires that a lawyer keep a client reasonably informed about the status of the matter.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that STEPHEN FISHER, Arkansas Bar ID# 91073, be, and hereby is, CAUTIONED for his conduct in this matter. In addition, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating

Professional Conduct of Attorneys at Law, Mr. Fisher is assessed the costs of this proceeding in the amount of \$100. Further, pursuant to Section 18.B. and Mr. Fisher's consent proposal, Mr. Fisher is order to make restitution for the benefit of Ms. Amaya in the amount of \$300. The restitution and costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL B

By: Valerie E. Kelly  
Valerie Kelly, Chair, Panel B

Date: 8/15/08

(13.M, Rev.1-1-02)